



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,097	11/26/2001	Shmuel Shaffer	062891.0666	2513
7590 08/08/2005			EXAMINER	
Baker Botts L.L.P. Suite 600 2001 Ross Avenue Dallas, TX 75201-2980			BOAKYE, ALEXANDER O	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,097

Applicant(s)

SHAFFER ET AL.

Examiner

ALEXANDER BOAKYE

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/26/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-25 is/are allowed.
- 6) ☒ Claim(s) 1,2,7-21,26-30,31,32,34-39 is/are rejected.
- 7) ☒ Claim(s) 3-6,33,40 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Objections

1. Claims 7-21, 26-30 and 34-38 are objected to because of the following informalities: In claim 7 line 14, "at" has been written twice. The same problem of claim 7 appears in claims 26 and 34 respectively. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 31, 32 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark (US Patent # 6,741,569) in view of Fujisaki et al. (US Patent # 6,466,574).

Regarding claim 1, Clark teaches a method for adaptively improving voice quality during a communication session, comprising: monitoring voice quality parameters associated with a communication session at one or more network components along a primary communication path (column 5, lines 30-50; the claimed network components are inherently in the multimedia communication system of Clark); selecting at least one

Art Unit: 2667

of the network components to perform packet replication, if a value of the voice quality parameters deviates from a predetermined range (column 2, lines 33-35; column 7, lines 25-38). Clark differs from the claimed invention in that Clark does not disclose transmitting replicated packets from the selected at least one of the network components along an alternate communication path. However, Fujisaki teaches transmitting replicated packets from the selected at least one of the network components along an alternate communication path (column 5, lines 42-45). One of ordinary skill in the art would have been motivated to incorporate transmitting replicated packets into the communication network in order to improve reliability.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate transmitting replicated packets from the selected at least one of the network components along an alternate communication path such as the one taught by Fujisaki into the communication network of Clark with the motivation being that it provides capability for the communication network to improve transmission reliability.

Regarding claim 2, Clark teaches that the voice quality parameters are monitored periodically throughout the communication session (column 6, lines 32-47).

Regarding claim 31, Clark teaches monitor voice quality parameters associated with a communication session at one or more network components of a communication network (column 5, lines 30-50); select at least one of the network components to perform packet replication if a value of the voice quality parameters deviates from a predetermined range (column 2, lines 33-35; column 7, lines 25-38). Clark differs from

Art Unit: 2667

the claimed invention in that Clark does not disclose transmit replicated packets from the selected at least one of the network components along an alternate communication path. However, Fujisaki teaches disclose transmit replicated packets from the selected at least one of the network components along an alternate communication path (column 5,lines 42-45).

One of ordinary skill in the art would have been motivated to incorporate transmitting replicated packets into the communication network in order to improve reliability. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate transmitting replicated packets from the selected at least one of the network components along an alternate communication path such as the one taught by Fujisaki into the communication network of Clark with the motivation being that it provides capability for the communication network to improve transmission reliability.

Regarding claim 32, Clark teaches that the voice quality parameters are monitored periodically throughout the communication session (column 6, lines 32-47).

Regarding claim 39, Clark teaches an apparatus for adaptively improving voice quality during a communication session, comprising: means for monitoring voice quality parameters associated with a communication session at one or more network components of a communication network (column 5, lines 30-50); means for selecting at least one of a network components to perform packet replication, if a value of the voice quality parameters deviates from a predetermined range (column 2, lines 33-35; column 7, lines 25-28). Clark differs from the claimed invention in that Clark does not disclose

Art Unit: 2667

means for transmitting replicated packets from the selected at least one of the network components, along an alternate communication path. However, Fujisaki teaches means for transmitting replicated packets from the selected at least one of the network components, along an alternate communication path (column 5, lines 42-45).

One of ordinary skill in the art would have been motivated to incorporate means for transmitting replicated packets into the communication network in order to improve reliability. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate means for transmitting replicated packets from the selected at least one of the network components, along an alternate communication path such as the one taught by Fujisaki into the communication network of Clark with the motivation being that it provides capability for the communication network to improve transmission reliability.

Allowable Subject Matter

3. Claims 3-6, 33 and 40-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7-21, 26-30 and 34-38 would be allowable if rewritten or amended to overcome claim objections, set forth in this Office action.

Claims 22-25 are allowable.

The following is a statement of reasons for the indication of allowable subject matter: As to claims 22-25, the prior art of record does not teach a voice quality system being operable to receive and analyze voice quality parameters associated with the one or more communication sessions, measured at one or more of the network components; the voice quality system including a processor operable to analyze the voice quality parameters, and select at least one of the network components to perform packet replication if the voice quality parameters deviate from a predetermined range.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272-3179. The central fax number is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Electronic Business Center numbers 866-217-9197 and 703-305-3028.

Alexander Boakye

Patent Examiner

AB
7/23/05


CHI PHAM
SUPERVISORY PATENT EXAMINER
ELECTRONIC BUSINESS CENTER
8/3/05